

## **REMARKS**

Consideration of this Preliminary Amendment and an accompanying Information Disclosure Statement is requested prior to examination of the subject application. No new matter is presented by virtue of this amendment.

Claims 1-3 and 7-12 (renumbered claims 1-9) are pending in the subject application. Claims 1-3 and 7-12 (renumbered claims 1-9) have been allowed. Claims 1, 3, and 7 (renumbered claims 1, 3, and 4, respectively) are now canceled. Claims 2 and 8 have been amended. The claims still pending, therefore, are claim 2 and claims 8-12 (renumbered claim 2 and claims 5-9, respectively).

In view of the newly cited references, claims 2 and 8 of the present invention have been re-written in independent form. None of the newly cited references teaches, mentions or suggests an optical disk having a center hub at the center thereof, and a cartridge case having a counterbore formed in a recess form on an inside wall on a side opposite to a side where a drive shaft for rotating the optical disk is inserted, the counterbore facing the center hub. Furthermore, none of the cited references teaches, mentions or suggests a shutter that includes an upper shutter portion and a lower shutter portion for shielding the upper and lower openings, a perpendicular portion jointing the upper and lower shutter portions, a pawl for preventing the shutter from coming off and a guide portion extending from the perpendicular portion for slidably guiding the shutter, and the upper case is sandwiched between the guide portion and the upper shutter portion.

Accordingly, it is respectfully submitted that, the claims are not anticipated and/or made obvious by the newly cited references, and further, satisfy all of the requirements of 35 U.S.C. 100, et seq. Accordingly, claim 2 and claims 8-12 (renumbered claim 2 and claims 5-9, respectively) are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

The Applicants believe that no additional fee is required for consideration of the within Response. However, if for any reason the fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

Date: June 14, 2004

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